

**PROPOSED AMENDMENT TO THE LOCAL RULES OF COURT LR58-CR-1
FOR THE CIRCUIT COURT
OHIO COUNTY, INDIANA**

WHEREAS the undersigned judge of the Ohio Circuit Court, Ohio County, Indiana desire, to amend the above referenced local rule of Ohio County, Indiana, to read as attached hereto.

THEREFORE, the Judge of Ohio County, PROPOSE and REQUEST that the Indiana Supreme Court Division of State Court Administration publish notice of the same on its website of the opportunity to tender comments to:

Judge James D. Humphrey
c/o Ohio Circuit Court
413 Main Street
Rising Sun, IN 47040

IT IS FURTHER ORDERED AND DIRECTED that

1. A copy of this entry be distributed to the officers of the Dearborn-Ohio County Bar Association.
2. The Ohio County clerk shall publish this entry in its offices and upon the clerk's website.

After the expiration of thirty (30) days for comment, the Judge SHALL consider any changes after the comment period and shall decide on the same on or before **June 30, 2014**.

Unless otherwise amended, the proposed change in local rule **SHALL become effective on July 1, 2014**.

DATED this 30th day of May, 2014.

/s/
Honorable JAMES D. HUMPHREY
Ohio Circuit Court

LR58-CR-1: BAIL

A. ~~In all criminal cases (misdemeanor and Class D felonies) coming within the jurisdiction of the Dearborn Superior Courts, bail is set according to the bail schedules established by the Court, unless otherwise ordered by the Court. Said Bond Schedule is hereby attached and incorporated as attachment 1.~~

In all criminal cases, bail shall be set as determined by the Court. See bail order in attachment "A".

B. Unless otherwise ordered by the Court, all criminal defendants shall appear at all Court hearings pertaining to the defendant's case. Such appearances are a condition of the defendant's bail. No attorney has the authority to excuse a client from any Court hearing or appearance. Defendants represented by an attorney are not required to appear at a pre-trial conference unless otherwise ordered by the Court.

STATE OF INDIANA) IN THE OHIO CIRCUIT COURT
)
 COUNTY OF OHIO) CAUSE NO: 58C01-1405-CB-_____

BAIL ORDER

Effective July 1, 2014, the following bail procedures shall be in effect for all persons whose appearance is required in Ohio Circuit Court. This Order supersedes all previous bail orders.

PERSONS NOT ELIGIBLE TO POST BAIL WITHOUT PERSONALLY APPEARING BEFORE A JUDGE OR MAGISTRATE AT AN INITIAL HEARING

1. Any person charged with Murder.
2. Any person charged with a Class A, B or C felony or a Level 1, 2, 3, 4 or 5 felony.
3. Any person charged with a crime involving Domestic Violence which shall include the felony or misdemeanor offenses of battery, intimidation, confinement, invasion of privacy, or any violation of a protective order.
4. Any person charged with habitual offender or is shown to have two (2) or more felony convictions.
5. Any person known to be currently on probation or parole.
6. Any person currently on release on bond for a felony offense.
7. Any person charged with Operating a Motor Vehicle While Intoxicated who has two (2) or more prior Operating a Vehicle While Intoxicated convictions.
8. Any person who has been returned to Indiana from another state to face criminal charges.
9. Any person who has been arrested in Indiana as a fugitive from another state.

All persons arrested for a criminal offense who have not posted bail shall be brought by the Sheriff to the Ohio Circuit Court on the first working day that is a Monday or Thursday at 1:30 p.m. or Friday at 9:00 a.m. following the day of his or her arrest for the purpose of an initial hearing. If a holiday occurs on a Monday, the initial hearings that would have been scheduled for that day will occur on the following Tuesday at 1:30 p.m.

THE BAIL SCHEDULE FOR ALL OTHER ARRESTS

	Level 6 Felony D felony		A Misd.	B or C Misd.	OWI	OR
Indiana Resident	\$500 cash		\$400 cash	\$250 cash	\$500 cash	B or C Misd. With no prior history (other than traffic offenses) – REQUIRES JUDGE OR MAGISTRATE APPROVAL
Out of State Resident	\$600 cash plus \$1500 surety		\$500 cash plus \$1500 surety	\$250 cash plus \$1000 surety	\$500 cash plus \$1500 surety	N/A

Any person arrested on a criminal Failure to Appear Warrant or Body Attachment, the bond is the amount listed on the Warrant/Attachment. If a bond amount is not listed, the person must appear before the Judge or Magistrate on the first working day that is a Monday or Thursday at 1:30 p.m. or Friday at 9:00 a.m. following the day of his or her arrest for the purpose of a hearing. If a holiday occurs on a Monday, the hearings that would have been scheduled for that day will occur on the following Tuesday at 1:30 p.m.

All cash bonds shall become a personal asset of the Defendant and shall be held in trust by the Clerk of Courts for payment of fines, court costs, restitution, judgment, public defender reimbursement and lawful detention fees.

When multiple charges are filed against a person on the same arrest, the bond shall be set by the most serious charge placed against the Defendant.

Release on Own Recognizance ("OR" bond) requires the expressed authority of the Judge or Magistrate prior to the Defendant's release.

All persons released on bail prior to the initial hearing shall appear for their initial on the first working day that is a Monday or Thursday at 1:30 p.m. or Friday at 9:00 a.m. following the day of his or her arrest for the purpose of an initial hearing. If a holiday occurs on a Monday, the initial hearings that would have been scheduled for that day will occur on the following Tuesday at 1:30 p.m.

Any Defendant(s) housed at a law enforcement center that has video arraignment /audiovisual telecommunication capabilities that are compatible with this Court's video arraignment / audiovisual telecommunication system may, at the Court's discretion, have a video initial hearing rather than be transported by the Sheriff to the Ohio Circuit Court so long as the hearing complies with the requirements of Indiana Administrative Rule 14 as it now exists or is amended in the future and the arrangements are made in advance of the hearing date and time.

Hearings are held at the Ohio Circuit Court, 413 Main St., Rising Sun, Indiana (2nd floor). If a Defendant fails to appear for the initial hearing, the bail will be revoked and a warrant issued for the arrest of the Defendant for failure to appear.

If there are any doubts or concerns about whether the Defendant should be able to post bond according to this schedule, the Sheriff is instructed to contact Judge Humphrey or Magistrate Schmaltz prior to the Defendant posting bond.

(Amended July 1, 2014)